

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
Christine NOEL, et al. : EXAMINER: YU, GINA C.
SERIAL NO.: 10/685,505 :
FILED: OCTOBER 16, 2003 : GROUP ART UNIT: 1617
FOR: COMPOSITION IN THE FORM OF AN
OIL-IN-WATER EMULSION AND USES
THEREOF

REPLY BRIEF

Appellants submit this reply brief in response to the Examiner's Answer dated June 9, 2011.

The present invention is an improvement over Lorant. Although Lorant's compositions are acceptable on one level, the invention compositions are improved as compared to Lorant's compositions. This improvement is demonstrated in the Rule 132 declarations submitted in this case -- Lorant's compositions having larger oily globules are less commercially viable than the invention compositions stabilized with the required glycine compound. The invention compositions are better than Lorant's compositions. The Examiner has ignored this fundamental fact in her rejection. Adding the required glycine compound in the required amount allows the improved compositions to be produced. The asserted art would not lead one of ordinary skill in the art to adding the required glycine compound in the required effective amount.

For all of the above reasons as well as all of the reasons set forth in the Appeal Brief, Appellants request that the Examiner's rejections all be REVERSED.

Respectfully submitted,

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